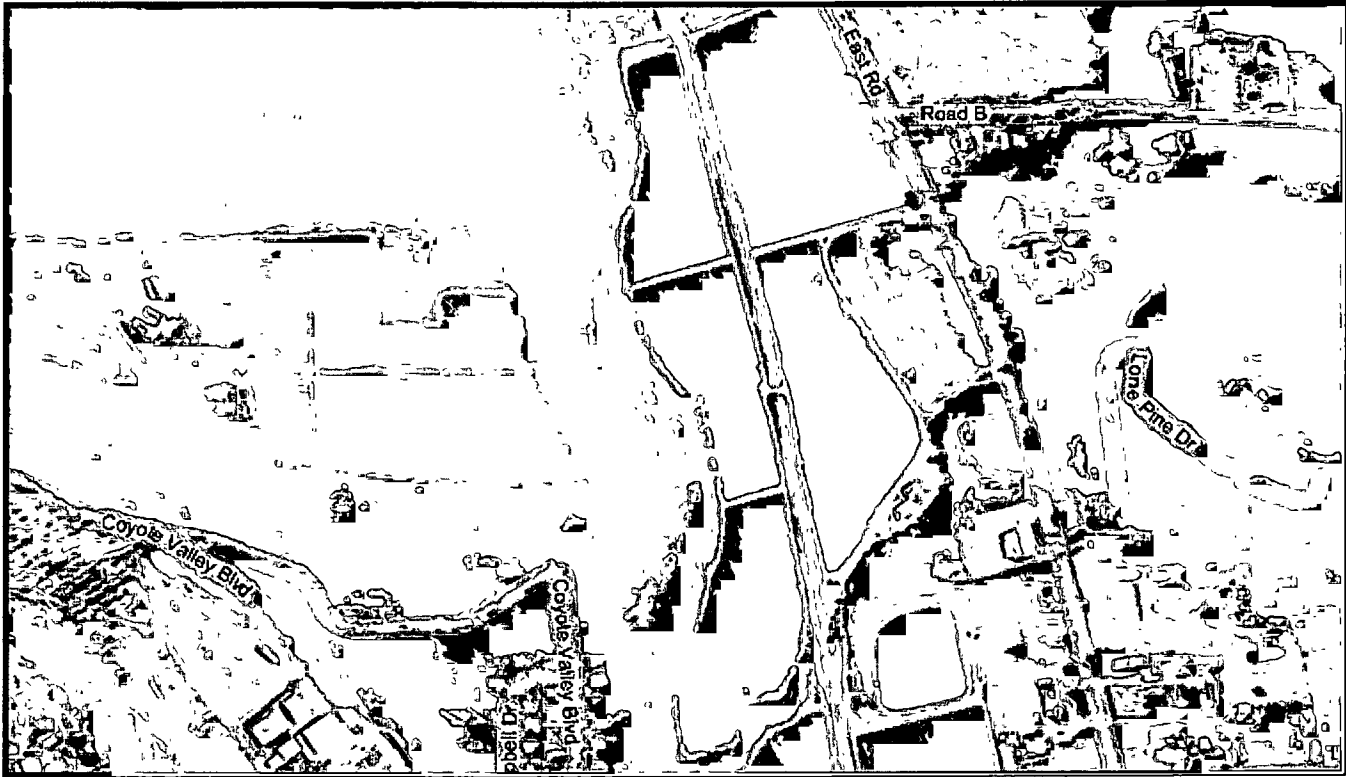


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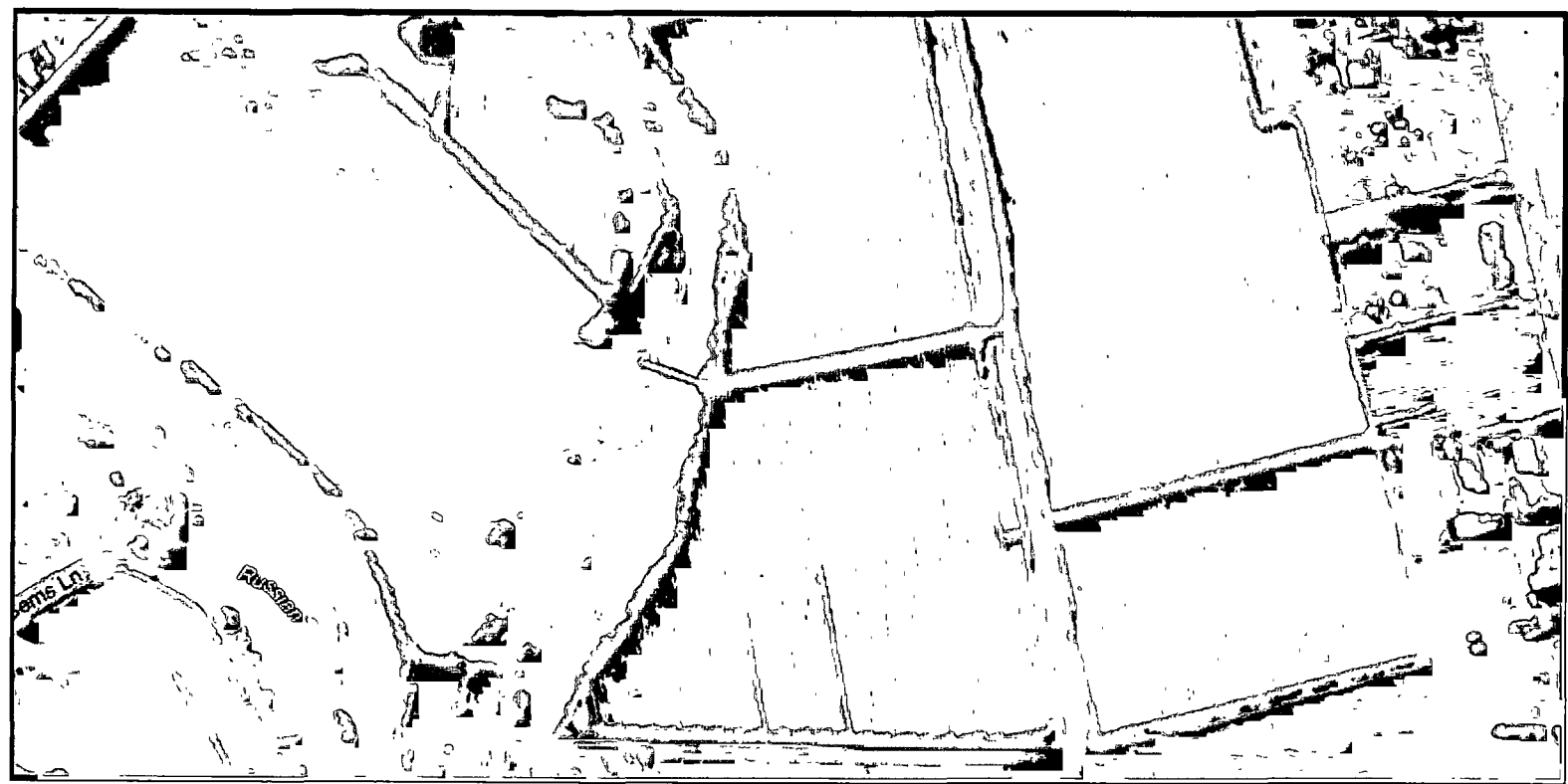
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Environmental Setting and Baseline Description

Moreno and Company Water Right Project Water Right Application Number 30804

August 24, 2007

Woh @ Petition
in 10/02

Introduction

AES submits this environmental setting and baseline description as discussed under Task 2 of the Preliminary Work Plan for the Moreno & Company Water Right Project (proposed project). The California Environmental Quality Act (CEQA) Guidelines Section 15125 states that the environmental setting "must include a description of the physical environmental conditions in the vicinity of the project...at the time environmental analysis is commenced..." This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." Once an application to appropriate water is filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), environmental review of the project is considered to have begun.

The env. conditions existing @ the time the Division began its review. Division will make final determination.

Proposed Project

The project site is located approximately one mile south of the town of Redwood Valley in Mendocino County, California (Figure 1 and Figure 2).

Under Application 30804, 30 acre-feet (af) of water would be diverted to storage in an existing 30 af offstream pit-type reservoir from three points of diversion (PODs) located on the west fork of the Russian River tributary to the Russian River. Water would be diverted from December 15 to March 31 for irrigation, frost protection, and heat protection of approximately 75 acres of vineyard.

1 movable part under another 2

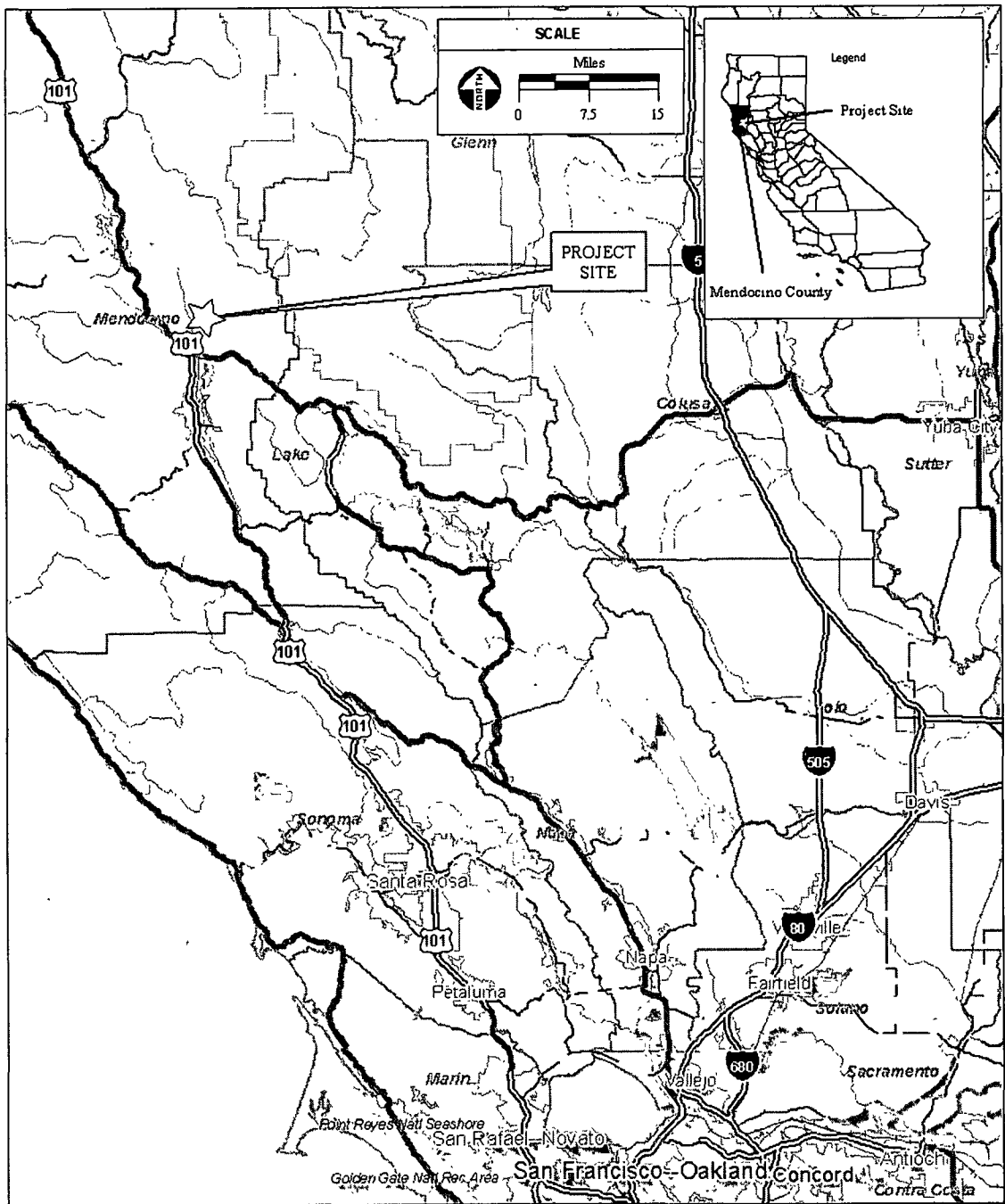
What about fire protection & recreation?

The Applicant currently holds License 1213, which allows for the diversion of 1 cubic foot per second (cfs) from Forsythe Creek, tributary to the Russian River. Water is used for irrigation of 121.2 acres, which includes the 75 acres named in Application 30804. (May 1 - Oct 31)

checking

Clarification of Project description:

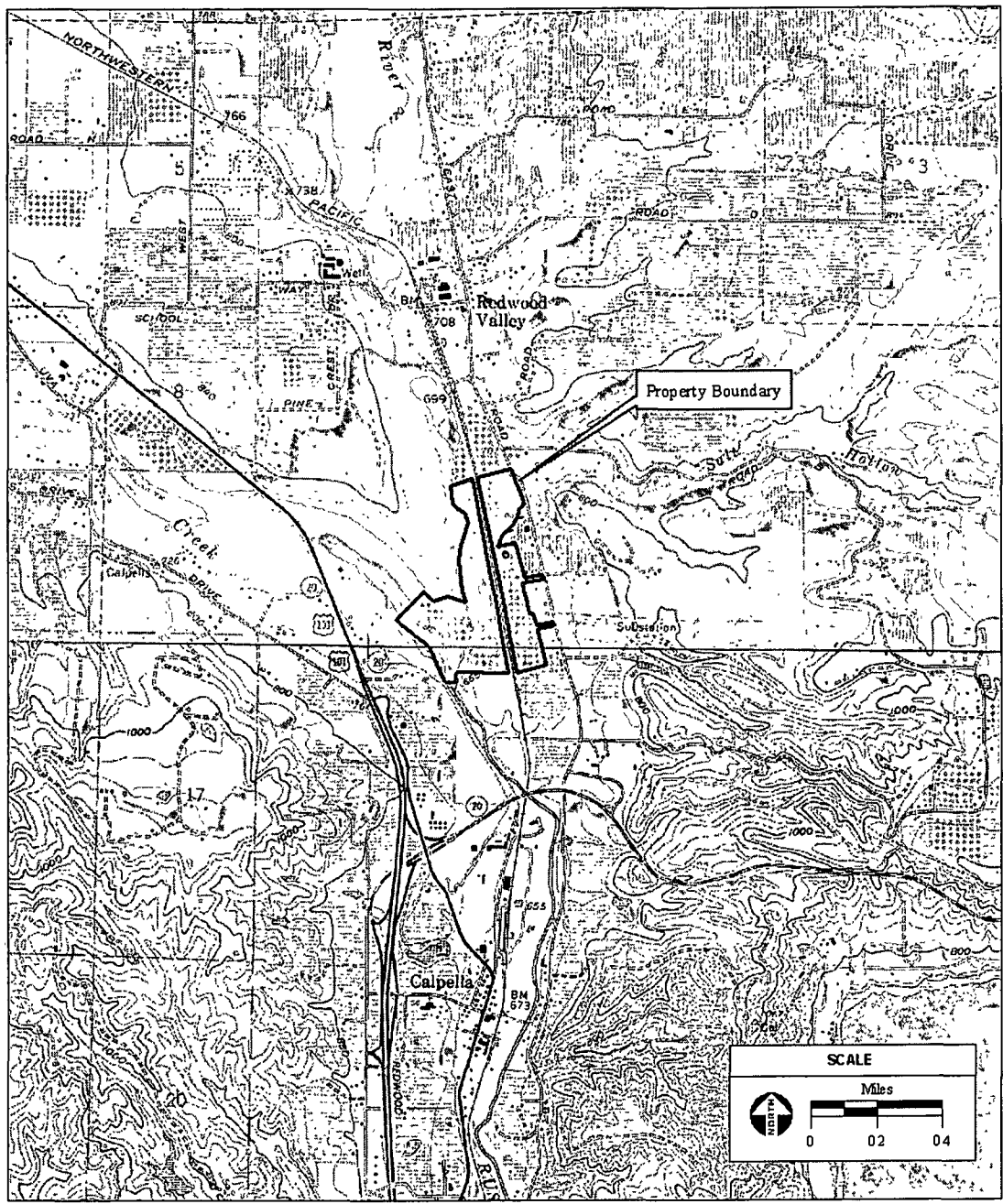
- Offstream reservoir should not be listed as a POD. What is it called? Where does H₂O go from here? (if offstream)
- Movable POD 1 located within SW 1/4 of NW 1/4 of proj Sec 9 and NW 1/4 of NW 1/4 of proj Sec 16, within T16N, R12W (same source?)



SOURCE: ESRI Data, 2006; AES 2007

Moreno and Company Water Right Project / 205527 ■

Figure 1
Regional Location Map



SOURCE: "Redwood Valley, CA" & "Ukiah, CA" USGS 7.5 Minute Topographic Quadrangles, Unsectioned areas of Redwood Valley, T16N, R12W, Mt Diablo Baseline & Meridian; AES 2007

Moreno and Company Water Right Project / 205527 ■

Figure 2
Site & Vicinity Map

TABLE 1
PROPOSED PLACE OF USE

Use Within	Section	Township	Range	B & M	Acres	Cultivated
SW ¼ of NW ¼ ✓	9	16N.	12W.	M.D.	12.3	Yes
NW ¼ of SW ¼ ✓	9	16N.	12W.	M.D.	19.2	Yes
NE ¼ of SW ¼ ✓	9	16N.	12W.	M.D.	1.7	Yes
SW ¼ of SW ¼ ✓	9	16N.	12W.	M.D.	19.3	Yes
SE ¼ of SW ¼ ✓	9	16N.	12W.	M.D.	6.8	Yes
SE ¼ of SE ¼ ✓	8	16N.	12W.	M.D.	3.6	Yes
NW ¼ of NW ¼ ✓	16	16N.	12W.	M.D.	7.2	Yes
NE ¼ of NW ¼ ✓	16	16N.	12W.	M.D.	4.9	Yes
Total:					75.0	

Source: Application 30804, 1998

Reservoir should be added due to nonconsumptive purposes of use. Is there a code to reference?

Environmental Setting and Baseline Description

Water Right Application 30804 was filed with the Division on November 2, 1998. The application was noticed for public review on July 2, 1999. The development of the proposed place of use occurred in 1930 and construction of the reservoir was completed in 1996. The aerial submitted as Figure 3 provides a view of the project site in 1993 that includes the developed proposed place of use. The figure shows that 5 years prior to the date the application was submitted, only the 75-acre proposed place of use had been developed. The aerial submitted as Figure 4 provides a view of the project site, as it existed in 2004. The figure displays how the property exists today, with the developed reservoir that was constructed in 1996. An aerial photograph from 1996 was not available.

Scope of CEQA Analysis

The CEQA analysis scoped in the Preliminary Work Plan for the proposed project addresses those aspects of the proposed project that are confirmed to have remained undeveloped after the baseline described above. According to the project description submitted to the Division with the application, the proposed reservoir and project components were fully developed prior to the baseline. The proposed project therefore appears to qualify for a Class I Categorical Exemption under CEQA. Certain classes of project have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. According to CEQA Guidelines Section 15301, Class I projects "consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time the lead agency's determination.... The key consideration is whether the project involves negligible or no expansion of an existing use." If Water Right

App Section 8 Spring
specifically as competition do

different in
2004
aerial
photo

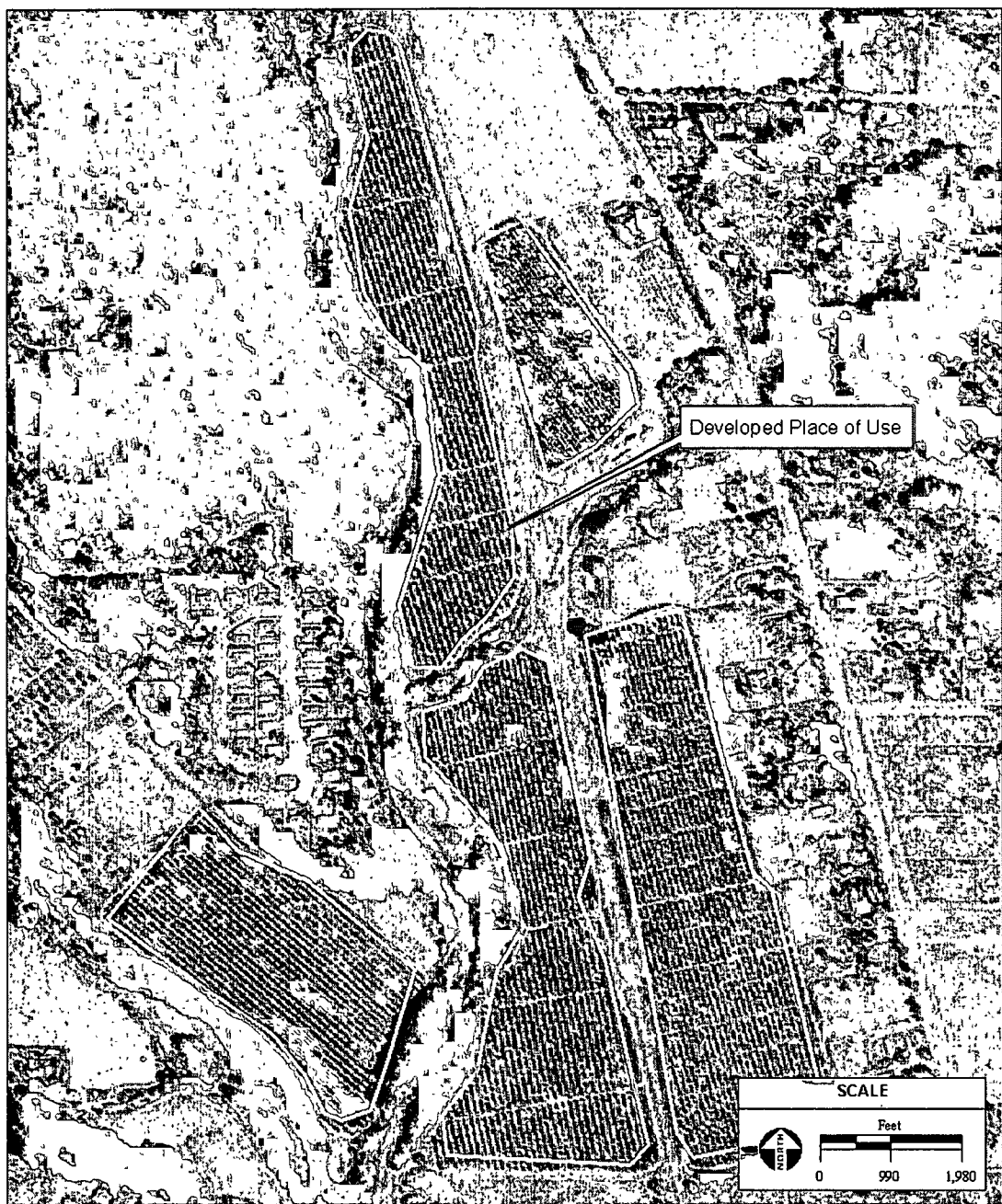
accepted
10/12/98

Ask Katie

They have provided no verification
of reservoir being built prior to FFG filing.
Pics jump from 93-2004. Any other verification?
We have pics that were submitted w/ app.
but w/ a date of 3-31-99

Libert
about
measurable 200?
Petition
indicates
prepared?
Had to clear
3000 feet
of river bank

Application 30804 qualifies for a CEQA exemption, a Public Trust Resources Analysis may be needed to evaluate the project's effects on public trust resources. AES will await direction from the Division on this issue before proceeding with the preparation of an Initial Study/Mitigated Negative Declaration, as scoped in the Preliminary Work Plan.

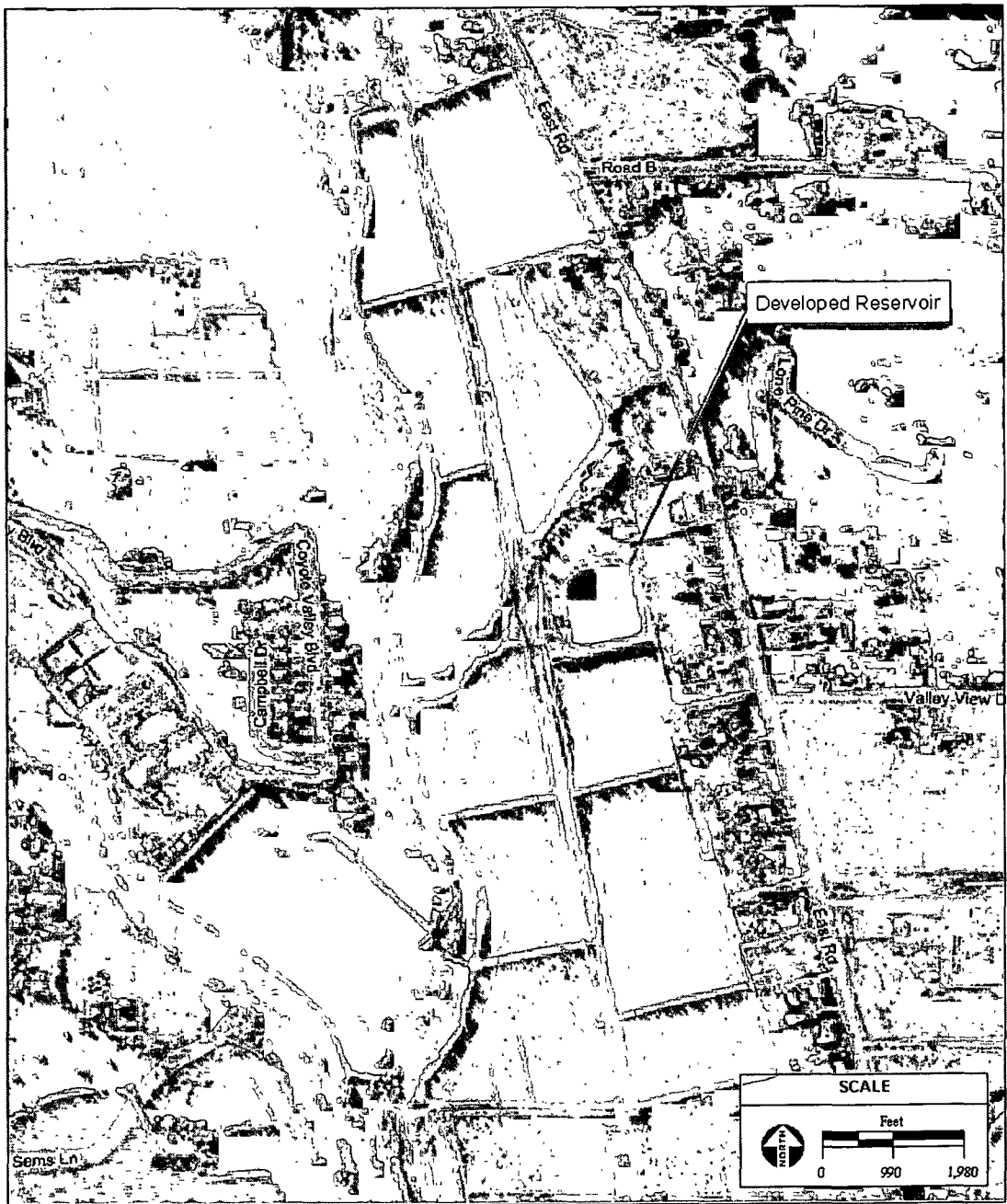


SOURCE: "Redwood Valley" DOQQ, SW Quadrant, 1993

Moreno and Company Water Right Project / 205527 ■

Figure 3
1993 Aerial Photo

gle file
gle 80
color version



SOURCE: Windows Live Local

Moreno and Company Water Right Project / 20SS27 ■

Figure 4
2004 Aerial Photo

Environmental Details

APPLICATION ID

30804

WRIMS APPL. ID

A030804

ENGR CONTACT

ENGR

UPDATE DATE

01/09/2007

CASE IN DATE

11/09/1998

APPLICANT OR PROJECT NAME

MORENO AND COMPANY

SOURCE

RUSSIAN RIV (WEST BRANCH)

COUNTY

MEN

NOTICE DATE

07/02/1999

PROTEST DATE

08/02/1999

WATERSHED

RUSSIAN RIV/WEST FORK

EAS CASE ACTIVITY DATA:

SUPERVISOR

EIO

EAS CONTACT

JDM

PROJ CONSTRUCTED

Y

ES REQUEST DATE

PENDING ES ASSIGNMENT RANK

LEAD AGENCY FOR CEQA

SWRCB

4/9/2005

DATE RESPONSE Y/N

9/9/2005

MOU DUE

8/19/2005

DATE MOU REC

1/2/2007

PRELIM WORKPLAN DUE

DATE PRELIM WKPL REC

FINAL WORKPLAN DUE

DATE FINAL WKPL REC

NEXT STEP

REFVIEW AND RESPOND TO PWP

WHO IS RESPONSIBLE

WU2

NEXT STEP COMMENTS

~~CASE ON BACKLOG FOR ASSIGNMENT TO ANES TO MANAGE MOU~~

EAS ACTIVITY ASSIGNED

WHO IS ASSIGNED

JDM

ACTIVITY TARGET DATE

EAS REMARKS Part 1 of 2

PWP RECD 1/4/07. MOU EXEC 10/30/06; MOU RC'D 8/19/05; APP 3/23/05 RESPNSE AFFIRMATIVE; MOU LTR SENT 3/9/05.

EAS REMARKS Part 2 of 2

STUDENT TO DO PRELIM REVIEW IN COORDINATION W/FR.PRELIM CMPLETED 03/04/99. APPLICANT HAS THREE OTHER PENDING APPLICATIONS 30161,30163,30170.DFG,TU PROTEST.

CASE CATEGORY

1

CASE ACTIVITY LEVEL

C

ARCHEOLOGICAL CASE DATA:

ARCHEOLOGIST REMARKS

MAJORITY OF PROJECT IN EXISTANCE. POTENTIAL FOR IMPACT LOW. NO SURVEY RECOMMENDED IN CONJUNCTION WITH LICENSE 1213, APPS 30161,30163 & 30170.

ARCHEOLOGIST ASSIGNED

DJS

ARCH. SURVEY REQ'D

N

CLEARANCE DATE

12/28/1998

EAS CASE STEPS COMPLETED:

PRELIMINARY REVIEW DATE

3/4/1999

DEFICIENCY TO APPL DATE

SCH CLOSING DATE ND

NOTICE OF EIR PREP. DATE

SCH CLOSING DATE EIR

EAS ENV DOC TYPE

IS

EAS ENV DOC COMPLETED DATE

CASE OUT DATE